

REMARKS

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1-3, 5 and 8-9 are currently pending in this application. Claims 4, 6-7 and 10 have been cancelled. No new matter has been added by way of the present amendment. For instance, the amendments to claims 1 and 9 are supported by previously presented claims 4, 6 and 7, as well as the original Specification at, for example, pages 22-29 and 38-39. Accordingly, no new matter has been added.

In view of the amendments and remarks herein, Applicants respectfully request that the Examiner withdraw all outstanding rejections and allow the currently pending claims.

Issues Under 35 U.S.C. 102 (b)

Claims 1-10 stand rejected under 35 U.S.C. 102 (b) as being anticipated by Mase et al. (U.S. 2002/0192590) (hereinafter Mase '590). Applicants respectfully traverse.

The Examiner asserts that Mase '590 teaches a lithographic printing plate comprising a photosensitive layer, wherein the photosensitive layer comprises a hydrophilic polymer, a crosslinking agent and a light absorbing compound and is changed from ink-repellant to ink-receptive by irradiation with light.

The Examiner further asserts that the limitation "wherein the surface of the photosensitive layer forms a phase-separation structure, and when the lithographic printing original plate is subjected to printing" expresses "the intended result of a process step and therefore has no patentable weight". Moreover, the Examiner asserts that limitations appearing in claims 4-6 and 9-10 are process limitations that have no patentable weight.

Initially, Applicants note that claims 4, 6-7 and 10 have been cancelled by way of the present amendment. Accordingly, the rejection of these claims is moot.

As to claims 1-3, 5 and 8-9, Applicants respectfully submit that the Examiner has failed to establish a *prima facie* case of anticipation. For anticipation under 35 U.S.C. §102, the reference must teach each and every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of that result or characteristic. *In re Rijckaert*, 9 F.3d 1531, 28 USPQ2d 1955 (Fed. Cir. 1993). To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present". *In re Robertson*, 169 F.3d 743, 49 USPQ2d 1949 (Fed. Cir. 1999). The mere fact that a certain thing may result from a given set of circumstances is not sufficient. *Id.*

The present claims have been amended to more clearly recite the subject matter claimed. Applicants submit that Mase '590 fails to teach each and every limitation of the present invention.

For instance, as amended, claim 1 is directed to a lithographic printing original plate having a photosensitive layer formed on a support, wherein the photosensitive layer comprises the heat cured product of a photosensitive resin composition, and wherein the photosensitive resin composition comprises a hydrophilic resin having cross-linking groups that can react with a cross-linking agent, a hydrophilic resin having no functional groups that can react with a cross-linking agent (i.e., hydrophilic resin for non-cross linking), a melamine resin, organic fine particles and a photothermal conversion material. Further, the present claims require that the

hydrophilic resin having cross-linking groups that can react with a cross-linking agent is obtained by polymerizing a monomer containing a cross-linking monomer having a hydroxyl group, and the hydrophilic resin having no functional groups that can react with a cross-linking agent is obtained by polymerizing at least one monomer containing a N-alkyl or N-alkylene substituted (meth)acrylamide compound represented by the general formula (1) or (2). Masé '590 fails to teach such a lithographic printing original plate.

Present Invention

As noted above, one of the inventive features of the photosensitive resin composition of the present invention is the presence of a melamine resin, a hydrophilic resin for cross-linking having a hydroxyl group, and a hydrophilic resin for non-cross-linking containing a N-alkyl or N-alkylene substituted (meth)acrylamide compound. Applicants have discovered that, when heating this composition, the melamine resin reacts with the hydroxyl group of the hydrophilic resin for cross-linking so as to obtain a cured product having a phase mainly formed from the cross-linked product of the melamine resin and the hydrophilic resin for cross-linking, and a phase mainly formed from the hydrophilic resin for non-cross-linking. The photosensitive layer of the present invention is formed from this cured product.

Moreover, the present photosensitive resin composition contains organic fine particles and a photo thermal conversion material. As a result, the surface of the obtained photosensitive layer changes upon irradiation with light or thermal energy, in order to have affinity for ink. When a printing plate having the above photosensitive layer thereon is subjected to printing using a fountain

solution, the phase mainly formed from the hydrophilic resin for non-cross-linking dissolves out in the fountain solution to produce recessed parts on the surface of the photosensitive layer.

The lithographic printing original plate of the present invention exhibits photosensitivity to light in a near-infrared region on which images can be printed directly with a laser beam, thus requiring no development and wiping off operations. Moreover, the novel printing plate of the instant invention can immediately recover from ink stains, without any difficulties, when ink attaches to non-image areas during printing.

Mase '590

Mase '590 fails to explicitly or implicitly teach each and every limitation of the present invention. For instance, the composition disclosed by Mase '590 does not contain a hydrophilic resin for non-cross-linking (hydrophilic resin having no functional groups that can react with a cross-linking agent).

The phase separation structure of Mase '590 is derived from a hydrophilic resin for cross-linking and a hydrophobic polymer. In stark contrast, the phase separation structure of the present invention is derived from the two hydrophilic resins described above (i.e., a hydrophilic resin for cross-linking and a hydrophilic resin for non-cross-linking). Thus, the phase separation structure of Mase '590 is significantly different from that of the present invention.

The Examiner's attention is respectfully directed to Applicants' Examples and Comparative Examples. Comparative Example 1 corresponds to Mase '590. As evidenced by the results of Example 1 and Comparative Example 1, the printing properties of the plate of the present invention are superior to those of Mase's plate.

Clearly, Mase '590 fails to anticipate the present invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and objections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

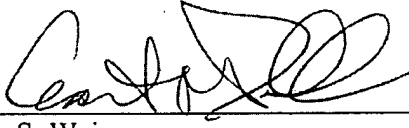
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Vanessa Perez, Reg. No. 61,158 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated:

Respectfully submitted,

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